

## **REMARKS**

The Restriction Requirement mailed January 4, 2011, has been received and reviewed. Prior to the present communication, claims 85-89 and 91-103 were pending in the subject application. Claim 95 (Group I) is cancelled in response to the restriction requirement; accordingly, claims 85-89, 91-94, and 96-103 (Group 2) will be actively prosecuted and remain pending. Reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

### **Rejections based on 35 U.S.C. § 121**

The Office has indicated that a restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. **Dependent claim 95:** The Examiner indicates that this claim has separate utility from the claims below (i.e., patentably distinct species that employ differing types of information), as claim 95 pertains to risks associated with “various dosages of a clinical agent.”
- II. **Dependent claim 101:** The Examiner indicates that this claim has separate utility from the claims above, as claim 101 pertains to risks associated with atypical events.

Without conceding to the merits of the Office’s rejections above, in an effort to advance prosecution, Applicants elect claim 101 in Group II. The dependent claim 95 in Group I has been cancelled. (No claims have been amended or added.) Both claims 95 and 101 depend from generic, independent claim 94, which recites a “second data set” that associates “atypical events” for a clinical agent with polymorphism values. Because claim 101 also recites a “second data set” that links “atypical events” to certain risks, claims 101 and 94 each recite some similar

subject matter. As such, it appears there is no undue burden to prosecute claims 94 and 101 in tandem, as different search queries for related references are not believed to be necessary in this case. Further, there is no traverse made by the Applicant's with respect to this election.

**CONCLUSION**

For at least the reasons stated above, each of claims 85-89, 91-94, and 96-103 is believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned—by telephone at 816.559.2136 or via email at [btabor@shb.com](mailto:btabor@shb.com) (such communication via email is herein expressly granted)—to resolve the same prior to issuing a subsequent action.

It is believed that no fee is due in conjunction with the present communication. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112, referencing attorney docket number CRNI.83071.

Respectfully submitted,

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